

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LARRY PORCHIA,

Plaintiff,

v.

AMERICAN MEDICAL RESPONDER, *et al.*,

Defendants.

Case No. 2:17-cv-02399-APG-GWF

REPORT AND RECOMMENDATION

This matter is before the Court on Plaintiff's failure to comply with the Court's Order (ECF No. 5).

Plaintiff is proceeding in this action *pro se* and he submitted a complaint on September 12, 2017. *See Complaint* (ECF No. 1-1). The Court issued an order (ECF No. 3) denying Plaintiff's request to proceed *in forma pauperis* without prejudice and allowed Plaintiff to either pay the appropriate filing fee or submit a complete application in support of his request to proceed *in forma pauperis*. To date, Plaintiff has failed to file to pay the filing fee or file a complete application to proceed *in forma pauperis*.

On November 12, 2018, Plaintiff's mail was returned as undeliverable. *See* ECF No. 4. Local Rule ("LR") IA 3-1 states that an attorney or pro se party must immediately file with the court written notification of any change of mailing address, email address, telephone number, or facsimile number. Failure to comply with this rule may result in the dismissal of the action, entry of default judgment, or other sanctions deemed appropriate by the court. On December 21, 2018, the Court directed Plaintiff to immediately file a written notification of any change of contact information pursuant to LR IA 3-1. On January 2, 2019, Plaintiff's mail was again returned as undeliverable. *See* ECF No. 6.

1 On December 21, 2018, the court entered an Order to Show Cause (ECF No. 5) directing
2 Plaintiff to “show cause, in writing, no later than January 4, 2019, why this matter should not be
3 dismissed for a failure to file an application to proceed in forma pauperis.” Plaintiff was again
4 warned that failure to timely respond would result in a recommendation to the district judge that
5 this case be dismissed. To date, Plaintiff has not filed an application to proceed in forma pauperis,
6 requested an extension of time, or taken any other action to prosecute this case. Accordingly,

7 **IT IS HEREBY RECOMMENDED** that Plaintiff’s Complaint (ECF No. 1-1) be
8 DISMISSED.

9 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court be instructed to close
10 the case and enter judgment accordingly.

11 Dated this 11th day of January, 2019.

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14 GEORGE FOLEY, JR.
15 UNITED STATES MAGISTRATE JUDGE
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